

1 PHILLIP A. TALBERT  
2 Acting United States Attorney  
3 ADRIAN T. KINSELLA  
4 Assistant United States Attorney  
5 501 I Street, Suite 10-100  
Sacramento, CA 95814  
Telephone: (916) 554-2700  
Facsimile: (916) 554-2900  
5

6 Attorneys for Plaintiff  
7 United States of America  
8

9  
10  
11 IN THE UNITED STATES DISTRICT COURT  
12 EASTERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,  
14 NATHANIEL OPONDO HUBBERT,  
15 v.  
Defendant.

CASE NO. 2:20-CR-00123-JAM-2  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER  
DATE: December 14, 2021  
TIME: 9:30 a.m.  
COURT: Hon. John A. Mendez

16  
17 STIPULATION

18 1. By previous order, this matter was set for a status conference on December 14, 2021.  
19 2. By this stipulation, Counsel for Mr. Hubbert now moves to continue the status conference  
20 until January 25, 2022, and to exclude time between December 14, 2021, and January 25, 2022, under  
21 Local Code T4.

22 3. The parties agree and stipulate, and request that the Court find the following:  
23 a) The government has represented that the discovery associated with this case  
24 includes over eight gigabytes of evidence in electronic form, including police reports, pictures,  
25 multiple hours of video footage, laboratory reports, search warrants, a forensic cellular phone  
26 report, and criminal history documents. All of this discovery has been either produced directly  
27 to counsel and/or made available for inspection and copying.

28 b) Counsel for Mr. Hubbert desires additional time to gather additional criminal

1 history documents, consult with her client, conduct further review of her client's criminal  
2 history, conduct interviews and prepare evidence in mitigation, discuss potential resolutions with  
3 her client, and otherwise prepare for trial.

4 c) Counsel for Mr. Hubbert believes that failure to grant the above-requested  
5 continuance would deny her the reasonable time necessary for effective preparation, taking into  
6 account the exercise of due diligence.

7 d) The government does not object to the continuance.

8 e) Based on the above-stated findings, the ends of justice served by continuing the  
9 case as requested outweigh the interest of the public and the defendant in a trial within the  
10 original date prescribed by the Speedy Trial Act.

11 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
12 et seq., within which trial must commence, the time period of December 14, 2021 to January 25,  
13 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
14 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
15 of the Court's finding that the ends of justice served by taking such action outweigh the best  
16 interest of the public and the defendant in a speedy trial.

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

1       4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
3 must commence.

4       IT IS SO STIPULATED.

5       Dated: November 30, 2021

PHILLIP A. TALBERT  
Acting United States Attorney

7       \_\_\_\_\_  
8       /s/ ADRIAN T. KINSELLA  
ADRIAN T. KINSELLA  
Assistant United States Attorney

9       Dated: November 30, 2021

10      \_\_\_\_\_  
11      /s/ KRESTA DALY  
KRESTA DALY  
Counsel for Defendant  
NATHANIEL OPONDO HUBBERT

12      **FINDINGS AND ORDER**

13      IT IS SO FOUND AND ORDERED this 30<sup>th</sup> day of November, 2021.

15      \_\_\_\_\_  
16      /s/ John A. Mendez  
THE HONORABLE JOHN A. MENDEZ  
UNITED STATES DISTRICT COURT JUDGE